



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 8th day of July, 2002

Served: July 11, 2002

Application of

AIR WEST, INC.

Docket OST-01-10692

as a commuter air carrier under section 49 U.S.C. 41738

ORDER DISMISSING APPLICATION

On September 24, 2001, Air West, Inc., filed an application in Docket OST-01-10692 for authority to conduct scheduled passenger operations as a commuter air carrier under 49 U.S.C. 41738. Air West, an air taxi operator based in Mesa, Arizona, proposed to operate scheduled service between Phoenix and Show Low, Arizona, if it was selected as the Essential Air Service carrier in that market. Air West supplemented its application with additional information on October 12 and December 20, 2001, and on March 6, 2002.

By Order 2002-4-21, issued April 25, 2002, the Department selected another air carrier, Arizona Express Airlines, Inc., to provide the subsidized scheduled air service at Show Low under the Essential Air Service program. As a result of this order, on May 2, the staff contacted Air West to determine whether it wished to continue to pursue its commuter application, and if so, requested that the applicant submit a new service proposal reflecting scheduled passenger service in another market. When no response was received, follow up messages were sent on May 21 and June 7, the latter of which advised the carrier that, if no response was received within seven business days, we would dismiss Air West's application for commuter authority.

More than seven days have now passed, and Air West has not filed an amended application or otherwise contacted us about continuing to pursue its request for commuter authority.

Under these circumstances, we have decided to dismiss Air West's application for lack of prosecution.

ACCORDINGLY, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We dismiss the application filed by Air West, Inc., in Docket 01-10692.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall become effective and become the final action of the Department of Transportation upon expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

Dated:

An electronic version of this document is available on the World Wide Web at: <http://dms.dot.gov>

Attachment A

**SERVICE LIST FOR
AIR WEST, INC.**

Mr. Mark Wilkison, President
Air West, Inc.
5133 E. Roadrunner Drive
Mesa, AZ 85215

Mr. Eddie Ochoa, Principal Operations
Inspector for Air West
Federal Aviation Administration
17777 N. Perimeter Drive, Suite 101
Scottsdale, AZ 85255-5442

Mr. S.R. Thomas, Manager
Federal Aviation Administration
Flight Standards District Office
17777 N. Perimeter Drive, Suite 101
Scottsdale, AZ 85255-5442